

**REMARKS**

Please reconsider this application in view of the above amendments and the following remarks.

- Claims 1-46 are pending.
- Claims 1-18 and 34 are rejected.
- Claims 19-33 and 35-46 and non-elected species of Claims 35-38 are withdrawn.
- Claims 47-79 are canceled without prejudice.

Applicants affirm the provisional election given by then counsel of record of the Invention of Group I—claims 1-18 and 34-38 and the species of unfractionated heparin in claims 13.

Applicants have amended claims 1 and 34 to recite the limitation that the anti-thrombogenic material comprises surfactant-bound moiety. Support for this amendment can be found in the specification as filed.

Applicants have amended Claim 15 to recite the limitation that end-immobilizing is through a group that terminates the anti-thrombogenic material.

**Specification**

The title has been amended as requested by the Examiner.

**Claim Rejections – 35 USC §112**

2. Claims 1-18 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The anti-thrombogenic material can be attached to one object directly and attached to another object via an intermediate component. Therefore, Applicants believe that this language is understandable to one of ordinary skill in the art.

Please remove this rejection.

**Double Patenting**

3. Claims 1-18 and 34 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 and 14 of U.S. Patent No. 6,221,425 and claims 1-17 of U.S. Patent No. 6,656,517.

At this point neither the Examiner or Applicants know the scope and content of claims that will be found allowable from this application. Once that information is known, if the obviousness type double patenting rejection is still appropriate, Applicants will promptly file a terminal disclaimer over U.S. Patent No. 6,221,425 and U.S. Patent No. 6,656,517.

Please hold this double patenting rejection in advance until then.

**Claim Rejections – 35 USC §102**

6. Claims 1-3, 5, 7, 11-12, 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Cahalan et al. (US Pat. 5,607,475).

Cahalan lacks the step of preparing a base coat mixture for application to the surface of the medical device. Cahalan teaches that it adheres a silane compound to the surface of the medical device. This immobilizes the silane compound. Cahalan then supplies an ethylenically unsaturated monomer and polymerizes it with the surface-bound silane. Since the silane is surface bound, it does not mix with the other component that is polymerized with it to form the polymerized layer. See Cahalan, column 3, lines 35-45 in example 1.

Since the Cahalan reference does not teach each and every element of Claims 1 and 15, Cahalan does not anticipate these claims.

Please remove this rejection under 35 USC 102(b).

Since the Examiner has not made out *prima facie* anticipation of the named dependent claims with this reference because the Examiner has not explained how it teaches each and every element of the parent claim(s), the current rejection of the dependent claims is moot. But Applicants do not acquiesce to the Examiner's various position positions in the rejections of sub-groups of the dependent claims and reserve the right to deal with the specifics of those rejections in the future, if that becomes necessary.

7. Claims 1-12, 15-17, 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Michal et al. (U.S. 6,287,285 B1).

Claim 1 of the instant application specifies that the anti-thrombogenic material comprises a surfactant bound moiety. The Michal reference does not teach such an anti-thrombogenic material. Since this reference does not teach each and every element of claim 1, it does not anticipate claim 1.

Claim 15 of the instant application specifies end-immobilizing the anti-thrombogenic material through a terminal group on the anti-thrombogenic material. The Michal reference does not teach end-immobilization of the anti-thrombogenic material. Since the reference does not teach each and every element of claim 15, it does not anticipate claim 15.

Please remove this anticipatory rejection.

Since the Examiner has not made out *prima facie* anticipation of the named dependent claims with this reference because the Examiner has not explained how it teaches each and every element of the parent claim(s), the current rejection of the dependent claims is moot. But Applicants do not acquiesce to the Examiner's various position positions in the rejections of sub-groups of the dependent claims and reserve the right to deal with the specifics of those rejections in the future, if that becomes necessary.

### **Claim Rejections – 35 USC §103**

11. Claims 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cahalan et al.

Cahalan lacks the step of preparing a base coat mixture for application to the surface of the medical device. Cahalan teaches that it adheres a silane compound to the surface of the medical device. This immobilizes the silane compound. Cahalan then supplies an ethylenically unsaturated monomer and polymerizes it with the surface-bound silane. Since the silane is surface bound, it does not mix with the other component that is polymerized with it to form the polymerized layer. See Cahalan, column 3, lines 35-45 in example 1.

The Examiner's cited 103(a) rejection does not explain this difference between Cahalan and Claims 14 and 18. Therefore, *prima facie* obviousness has not been made out.

Please remove this rejection under 35 USC 103(a).

12. Claims 14 and 18 are rejected under 35 U.S.C. 103(a) as being obvious over Michal et al.

Claim 1 of the instant application specifies that the anti-thrombogenic material comprises a surfactant bound moiety. The Michal reference does not teach such an anti-thrombogenic material. Claim 14 contains each limitation recited in claim 1. Therefore, claim 14 is patentable over the Michal reference for at least the same reason.

Claim 15 of the instant application specifies end-immobilizing the anti-thrombogenic material through a terminal group on the anti-thrombogenic material. The Michal reference does not teach end-immobilization of the anti-thrombogenic material. Claim 18 contains every limitation of claim 15. Therefore, claim 18 is patentable over the Michal reference for at least the same reasons given for claim 15.

Please remove this rejection.

Since the Examiner has not made out *prima facie* obviousness with this reference because the Examiner has not explained how this reference makes the parent claim(s) obvious, the current rejection of the dependent claims is moot. But Applicants do not acquiesce to the Examiner's various positions in the rejections of sub-groups of the dependent claims and reserve the right to deal with the specifics of the rejections in the future, if that becomes necessary.

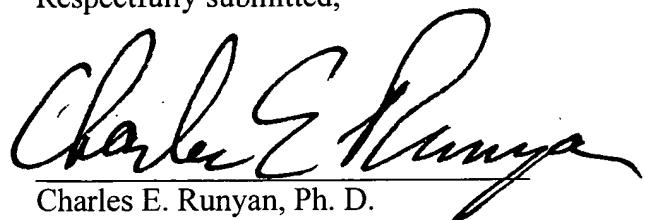
13. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Cahalan or Michal in view of Hughes et al.

Cahalan or Michal are deficient for the reasons discussed above. Hughes does not cure this deficiency. Claim 13 contains each limitation recited in Claim 1. And it is patentable for at least the same reasons as Claim 1. Therefore, *prima facie* obvious has not been made out.

Please remove this rejection.

Since all claims are in a condition for allowance, please issue a Notice of Allowability so stating. If I can be of any help, please contact me.

Respectfully submitted,



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